

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION

MICHAEL S. KLEIN

PLAINTIFF

vs.

Civil No. 3:15-cv-03055

CAROLYN COLVIN,  
Commissioner, Social Security Administration

DEFENDANT

**MEMORANDUM OPINION**

On December 4, 2015, Defendant filed an Unopposed Motion to Remand. ECF No. 11.<sup>1</sup> Defendant states she has contacted Plaintiff's counsel who does not oppose the motion. *Id.* The parties have consented to the jurisdiction of a magistrate judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. ECF No. 5. Pursuant to this authority, the Court issues this memorandum opinion and orders the entry of a final judgment in this matter.

Defendant requests a remand so the Commissioner may conduct further administrative proceedings. ECF No. 11. This Court finds this motion is well-taken and Defendant's Unopposed Motion to Remand (ECF No. 11) should be **GRANTED**. The Commissioner's decision is reversed, and this matter is hereby remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings. In addition, the undersigned finds the Plaintiff's Complaint should be and hereby is dismissed without prejudice. Plaintiff may still, however, file a motion for attorney's fees pursuant

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<sup>1</sup> The docket numbers for this case are referenced by the designation "ECF No." The transcript pages for this case are referenced by the designation "Tr."

to the Equal Access to Justice Act, 28 U.S.C. § 2412.

A judgment incorporating these findings will be entered pursuant to Federal Rules of Civil Procedure 52 and 58.

**ENTERED this 17th day of December 2015.**

/s/ Barry A. Bryant  
HON. BARRY A. BRYANT  
U.S. MAGISTRATE JUDGE